

1 Geraldine A. Wyle (SBN 89735)
2 Jcryll S. Cohen (SBN 125392)
3 Jeffrey D. Wexler (SBN 132256)
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10 Attorneys for Applicant James P. Spears

11 **FILED**
12 LOS ANGELES SUPERIOR COURT

13 FEB 01 2008

14 JOHN A. CLARK, C.ERK
15 *Amberstock*
16 BY ANDREA MURDOCK, DEPUTY

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18 SUPERIOR COURT OF THE STATE OF CALIFORNIA
19 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

20 In re the Conservatorship of the Estate of
21 BRITNEY JEAN SPEARS,
22 Proposed Conservatee.

23 CASE NO. BP 10 8870

24 **DECLARATION OF GERALDINE A.
WYLE IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER FINDING
GOOD CAUSE FOR EXCUSING NOTICE
OF HEARING ON PETITION FOR
APPOINTMENT OF TEMPORARY
CONSERVATOR OF THE ESTATE**

25 Date: February 1, 2008
26 Time: 10:30 a.m.
27 Department: 11

DECLARATION OF GERALDINE A. WYLE

I, GERALDINE A. WYLL, declare:

1. I am an attorney licensed to practice before the Courts of the State of California. I am a partner in the law firm of Luce, Forward, Hamilton & Scripps LLP ("Luce Forward"), counsel of record for applicant James P. Spears ("Applicant"). I am one of the lawyers at Luce Forward responsible for representing Applicant.

2. Pursuant to Cal. R. Court 7.1062(e)(3) and Cal. R. Court 3.1204(b), I provide this declaration to give information with regard to the giving of notice as to Applicant's *ex parte* application pursuant to Cal. Prob. Code § 2250 and Cal. R. Court 7.1062 for an Order finding that there is good cause for not giving notice of the hearing on the proposed appointment of a temporary conservator for proposed conservatee Britney Jean Spears ("Britney").

3. For the reasons set forth in the declaration of Lynne Spears filed concurrently herewith, there is good cause for not giving notice of the hearing on the proposed appointment of a temporary conservator in order to protect Britney's estate from immediate and substantial harm.

4. This *ex parte* application asks the Court to find that there is good cause for not giving notice of the hearing on the proposed appointment of a temporary conservator. Giving notice of the *ex parte* application would give Britney notice of the hearing on the proposed appointment of a temporary conservator, contrary to the relief sought by this application.

Executed on February 1, 2008 at Los Angeles, California.

I declare under penalty of perjury that the foregoing is true and correct.

GEKALDIKE A. WYLE

1 Geraldine A. Wyle (SBN 89735)
2 Jeryll S. Cohen (SBN 125392)
3 Jeffrey D. Wexler (SBN 132256)
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10 Attorneys for Applicant James P. Spears

1 FILED
2 LOS ANGELES SUPERIOR COURT

3 FEB 01 2008

4 JOHN A. CLARKE
5 G. L. C. (Signature)
6 BY G. L. C. (Signature)

7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

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11 In re the Conservatorship of the Person of:
12 BRITNEY JEAN SPEARS,
13 Proposed Conservatee.

14 CASE NO. BP 108870

15 DECLARATION OF JAMES P. SPEARS
16 IN SUPPORT OF EX PARTE
17 APPLICATION FOR ORDER FINDING
18 GOOD CAUSE FOR EXCUSING NOTICE
19 OF HEARING ON PETITION FOR
20 APPOINTMENT OF TEMPORARY
21 CONSERVATOR OF THE PERSON

22 Date: February 1, 2008
23 Time: 10:30 a.m.
24 Department: M1

25 DRAFTED
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DECLARATION OF JAMES P. SPEARS

I, James P. Spears, declare as follows:

3 I. I am the natural father of Britney Jean Spears, the proposed conservatee. The
4 statements contained in this declaration are based personal knowledge and experience. If called as
5 a witness, I could and would competently testify to the facts stated herein.

6 2. Early on the morning of January 31, 2008, Britney was admitted to UCLA Medical
7 Center on a 5150, a 72-hour psychiatric hold.

8 3. On January 31, 2008, despite instructions given by my wife Lynne Spears and me,
9 Osama ("Sam") Lutfi was allowed to visit Britney at the hospital.

10 4. Based upon my observation of Britney's emotional and psychological condition
11 and her dealings with Mr. Lutfi, I believe that Britney is incapable of keeping information from
12 Mr. Lutfi. In particular, I believe that, if she knew that I was planning to seek a conservatorship
13 for her, she would tell Mr. Lutfi about the planned conservatorship.

14 I declare under penalty of perjury under the laws of the State of California that the
15 foregoing is true and correct. Executed on this 1st day of February 2008 at Los Angeles,
16 California.

James P. Spears
James P. Spears

1 Geraldine A. Wyle (SBN 89735)
2 Jeryll S. Cohen (SBN 125392)
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10 Attorneys for Applicant James P. Spears

11 FILED
12 LOS ANGELES SUPERIOR COURT

13 FEB 01 2008

14 JOHN A. CLARKE, CLERK
15 BY B. PEREZ, DEPUTY

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

18 In re the Conservatorship of the Person of:
19 BRITNEY JEAN SPEARS,
20 Proposed Conservatee.

21 CASE NO. BP 108 870

22 DECLARATION OF LYNNE SPEARS IN
23 SUPPORT OF: (1) EX PARTE
24 APPLICATION FOR ORDER FINDING
25 GOOD CAUSE FOR EXCUSING NOTICE
26 OF HEARING ON PETITION FOR
27 APPOINTMENT OF TEMPORARY
28 CONSERVATOR OF THE PERSON; AND
29 (2) APPLICATION TO SEAL RECORD RE
30 CONSERVATORSHIP OF THE PERSON

31 Date: February 1, 2008
32 Time: 10:30 a.m.
33 Department: 4

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DECLARATION OF LYNNE SPEARS

I, LYNNE SPEARS, declare:

1. I am the mother of Britney Spears ("Britney"), who is the subject of this action. I have personal knowledge of each of the facts set forth in this Declaration, and can testify competently thereto, except as to the matters stated on information and belief, and as to such matters I believe them to be true.

2. This past Monday night (January 28), Britney's father, Jamie, and I (in separate cars) went to Britney's house in Beverly Hills because we had heard news reports that Britney had just been in a big fight with Osama Lufti aka Sam Lufti ("Sam"), the man who has inserted himself into my daughter's life, home, and finances, and that she was crying. We were very concerned about her safety. We arrived at the Summit Community gatehouse in BHPO at approximately 10 p.m. I was with my friend, Jackie.

3. The guards at the gatehouse stopped us there for awhile. Jackie, Jamie, and I finally proceeded to Britney's house and entered it. We were able to enter the house because it was not locked. Britney does not lock her doors and currently there are no security guards around her residence. Britney was not home. We found Sam, and Sam said as we walked in the door that Britney only wanted me to come to the house, and that she was afraid to see her dad.

4. Two or three paparazzi came into the house and entered the kitchen. They greeted Sam. The paparazzi then reported to Sam where Britney currently was. From the conversation between Sam and the paparazzi I determined that Sam had given Felipe (another paparazzi) one of Britney's cars to get her out of the house when he heard that Jamie and I were on our way to see Britney. I also understood from the conversation that Sam disabled all of Britney's cars (she has several at her residence).

5. Sam had told Britney that Jamie and I were coming to the house to do an intervention, and that Britney panicked and took off with Felipe. Another man named Chad Hardcastle was in the house.

6. I also heard during the evening that during Britney's and Sam's fight that evening, Sam had told Britney that she was an unfit mother, a piece of trash and a whore, that she cares

more about Adnan, her current boyfriend, than she cares about her kids, and that she does not deserve her kids.

3 7. The paparazzi reported to Sam and addressed him with great respect. They
4 treated him like a general. He instructed them to get her back to the house. They later told Sam
5 that Britney was on her way back.

6 8. Britney then came back to the house with Adnan, who is also a paparazzi. Sam
7 then told Jackie and me that we needed to do whatever he tells us. I objected. He then told me,
8 "I'm the one who spends 24/7 with your daughter. I sleep in cars outside her house so she can't
9 leave." Sam then said, "You people throw everyone under the bus, if you don't listen to me I'm
10 going to make your name sh** in the papers."

11 9. As I looked around the kitchen, I noticed that in the middle of the kitchen table
12 there was a large car battery. At some point during the evening I learned that the car battery was
13 there so Sam could charge his cell phone. Although Britney has several cell phones, he told us
14 that he had disposed of all of the phone chargers and had made the house phones unworkable.

15 10. Sam told Jackie and me to tell Adnan to leave Britney alone and to get the F***
16 out of the house. Jackie refused. Sam then said to tell Britney that Adnan is gay. Adnan stayed
17 at the house a little while longer. Sam quietly said something to Adnan and Adnan promptly left
18 the house.

19 11. Britney came into the room looking for Adnan. Sam told her that Adnan was in
20 the bathroom. Britney then asked me, "Is Adnan gay?" While Britney was out of earshot, Sam
21 told Jackie and me that we should pretend that Adnan was in the bathroom so Britney wouldn't
22 cave.

23 12. Britney then became very agitated and could not stop moving. She cleaned the
24 house. She changed her clothes many times. She also changed her three dogs' clothes many
25 times. Britney spoke to me in a tone and with the level of understanding of a very young girl.
26 Britney then picked up a bottle of pills and read part of the label and asked us, "What does
27 insomnia mean?" Sam told her that the pills will help her stay awake.

1 13. Sam told Jackie and me that he grinds up Britney's pills, which were on the
2 counter and included Risperdal and Seroquel. He told us that he puts them in her food and that
3 that was the reason she had been quiet for the last three days (she had been sleeping). He told us
4 that the doctor who is treating her now is trying to get her into a sleep-induced coma so that they
5 could then give her drugs to heal her brain.

6 14. Sam then encouraged us to sit down on a sofa and to do "tequila shots." Jackie
7 and I said we did not want to. Britney seemed to follow our lead. Sam then got some wine out
8 and said "let's all do toasts with wine." Britney said that she didn't want to, she wanted a pretty
9 glass. Sam found a glass with a stem and poured wine for Britney when we were not looking.
10 Britney refused to drink her wine and asked to drink mine.

11 15. Shortly afterward, Sam went back into the kitchen and was standing behind a
12 raised bar so that we could not see what his hands were doing on the counter. From what I could
13 see, it looked like he was crushing something on the counter. Sam then said to Britney, "Let's
14 go upstairs" and Britney followed him. Britney had calmed down by the time she went upstairs.

15 16. A little while later, Britney came downstairs. She seemed agitated again and told
16 us that she wanted to go to Rite Aid for lipsticks. It was now past midnight. Jackie and I said we
17 would take her. Sam told us that he wanted to follow us in his car. We told him that he
18 shouldn't because the paparazzi were in front of the neighbor's house and would harass us. As
19 we were about to drive off, Sam jumped into the back seat of the car. The paparazzi followed.
20 Sam and I were sitting in the back seat, with Chad as well. He told me that he gave Britney
21 something (when they were upstairs) to make her more light-hearted, happy, and fun. We
22 entered Rite Aid and Britney chose her lipstick. The manager said it is dangerous out there,
23 which it was. When Britney gave the cashier her credit card, the cashier told her it was not
24 working. I paid for the lipstick and the manager told us we could leave through the side door so
25 no one could see us. Sam insisted we leave through the front door and he put his arms around
26 Britney and me for the paparazzi to take pictures. I disengaged as quickly as I could.

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1 17. Sam told me, "You'd better learn that I control everything. I control Howard
2 Grossman, Britney's business manager. I control her attorneys and the security guards at the
3 gate. They don't listen to Britney, they listen to me. That's why Jamie was gone tonight."

4 18. At another point that evening, Sam bragged to me that he is the one who receives
5 Britney's checks and that one of them was for me. I told Sam that I hadn't gotten any checks
6 from Britney. Sam then told me that they are in his car. He told me that if he weren't in the
7 house to give Britney her medicine, she would kill herself. Then he said to me, "If you try to get
8 rid of me, she'll be dead and I'll piss on her grave."

9 19. He then proclaimed that he has been in the family for a year and that he has done
10 nothing but good for Britney. At this point it was two or three in the morning. Britney was
11 meandering around the house. She would let me hug her, but she was out of it.

12 20. At one point during the night, Sam was screaming at me and Britney said to me,
13 "Sam treats me like that." Then she picked up the house phone and said, "Look at the phone, it
14 doesn't work." Sam then blamed the dead phone on Britney. Jackie spoke up and said to Sam,
15 "You said you cut the phone wire."

16 21. Britney then said again at some point during the night, "When do I get to see my
17 babies?" Sam answered, "Wednesday." Britney then said, "What do I have to do to see them?"
18 Sam responded, "Take the pills I tell you to take." Britney said, "I don't like the pills and I don't
19 like the psychiatrist. Can't I see another psychiatrist so I can see my babies?" Sam responded,
20 "If I told you to take 10 pills a day, you should do what I tell you to see your babies." Jackie
21 then said, "Britney, your parents can help you find a psychiatrist. The psychiatrist needs to get to
22 know you to give you the right medicine." Sam then raised his voice and said, "Why don't you
23 get back with Kevin."

24 22. Britney then said, "I'll do anything to get them back."

25 23. At some point during the evening, Sam said that Britney decided that he should be
26 her manager.

27 24. Adnan has called me and told me he's worried about Britney. He told me that
28 Sam hides the phones and tells her he has lost them. He also hides her dog, London. She looks

1 for him all over the house crying and then Sam brings out the dog from the hiding place and acts
2 like her savior.

3 25. While we were at Rite Aid, Britney went in and out of her British accent.

4 26. At 4:00 a.m., I was exhausted and wanted to leave. Sam blocked my car so I
5 could not leave. I threatened to call Jamie to the house.

6 27. Britney said, "I want my Daddy up here. I want to talk to my Daddy." I reached
7 Jamie on the phone and gave the phone to Britney. I heard her tell him that she wanted to see
8 him. He said, "Right now baby?" and she said, "No." He said, "10:00 in the morning?" And
9 she said, "No, noon."

10 28. I spent the rest of the night at Britney's house and for the first time in a very long
11 time, when I lay down to sleep, I felt very agitated. I could not fall asleep at all. I felt like I had
12 had coffee. Jackie, who had gone home earlier, later told me that she also could not sleep at all
13 and felt like she had had coffee.

14 29. Jamie came to pick me up the next morning. Jamie gave Britney a big hug and
15 said to her, "Baby, you're ok?" Britney said, "I'm fine," then burst into tears.

16 30. To my knowledge, Britney never went to sleep that night and was very agitated
17 most of the night.

18 31. Sam and Chad, however, slept in the "smoking room," a small room downstairs
19 on the first floor of the house.

20 32. Later the next day, on January 29, Jackie showed me a text message she had
21 received from Sam: "Thanks for telling Jamie all your Bull Sh*t. He just hit me. Now you guys
22 did your deed. Much accomplished. Good job."

23 33. I did not see Britney again until I arrived at her house on Wednesday night after
24 Sam called me and told me to come to the house. When we arrived, Britney seemed subdued.
25 The police arrived and took her to the Neuro Psychiatric Institute at UCLA ("NPI"). While at

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1 NPI, I learned that Britney informed her doctor, Lee Sadja, MD, that she had also taken Aderol.

2 I declare under penalty of perjury under the laws of the State of California that the
3 foregoing is true and correct. Executed on January 31, 2008, at Los Angeles, California.

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5 
6 Lynne Spears

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